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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,263	06/02/2000	Donald F. Gordon	19880-002210	5643
26291	7590	08/24/2004		
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,263

Applicant(s)

GORDON ET AL.

Examiner

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6, 7
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract consists of more than one paragraph, exceeds 150 words, and contains the phrase "is described" on line 11. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (5,353,121) [Young].

Regarding claim 4, Young discloses a method for navigating within a channel information window (col. 23, lines 35-43), the method comprising selecting a mode for said navigation (modes shown in fig. 25, col. 25, lines 25-42), where said mode restricts said navigation to a predetermined subset of available channels ("theme" mode, col. 23, lines 56-62).

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Saib et al. (5,973,682) [Saib].

Regarding claim 5, Saib discloses a method for navigating between TV channels (col. 6, lines 43-46 and col. 6 line 61 col. 7 line 4), the method comprising:

Providing a channel information window overlaying a broadcast video display (shown in fig. 7, where the channel information window is the displayed EPG data, and the broadcast video display is shown as region 710, corresponding to applicant's disclosed layout of an information window overlaying a video display, shown in figs. 3a-c of applicant's disclosure);

Navigating among channels within the channel information window (using the system pointer, col. 7, lines 17-19); and

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Changing the broadcast video display in synchronization with the navigating among channels within the channel information window (col. 7, lines 23-27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saib in view of over Hooper et al. (5,422,674) [Hooper].

Regarding claim 1, Saib discloses a method for providing a channel information window ('program list' or EPG, col. 4, lines 30-35, 47-56) overlaying a broadcast video (shown in fig. 7, col. 6, lines 33-46, where the channel information window is the displayed EPG data, and the broadcast video display is shown as region 710, corresponding to applicant's disclosed layout of an information window overlaying a video display, shown in figs. 3a-c of applicant's disclosure), the method comprising:

Receiving at a terminal (the 'system front end') a signal to activate the channel information window (actuation of 'EPG' key on controller, col. 5, lines 3-9); and

Overlaying the channel information window over the broadcast video at the terminal (col. 4, lines 30-35, 47-56).

Saib fails to disclose transmitting a bitmap for the channel information window from a server system to the terminal.

In an analogous art, Hooper teaches creating a bitmap (col. 6, lines 43-49) for use in a user interface (col. 5, lines 49-59) at a server system (authoring station is part of the server system, col. 5, lines 1-10), which is transmitted to user terminals (col. 6, lines 15-24), making for a highly flexible user interface.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Saib to include transmitting a bitmap for a user interface from a server system to the terminal, as taught by Hooper, for the benefit of a highly flexible user interface for a channel information window, where the graphical display options for creating the information window are virtually unlimited.

Regarding claim 3, Saib and Hooper disclose the method of claim 1, wherein the transmitting of the bitmap comprises encoding at the server system the bitmap to generate an encoded bitmap (Hooper, col. 6, lines 58-61), transmitting the encoded bitmap to the terminal, and receiving at the terminal the encoded bitmap (Hooper, col. 6, lines 15-24).

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8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saib and Hooper as applied to claim 1 above, and further in view of Banker et al. (5,247,364) [Banker].

Regarding claim 2, Saib and Hooper disclose the method of claim 1, but fail to disclose the transmitting step is performed via an out of band channel.

In an analogous art, Banker teaches receiving data via an out of band channel (col. 2, lines 55-65), enabling receiving terminals to receive data regardless of which channel the terminal is currently tuned to (col. 2, lines 65-68).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Saib and Hooper to include transmitting via an out of band channel, as taught by Banker, for the benefit of enabling receiving terminals to receive the transmitted data regardless of which television channel the terminal is currently tuned to.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saib in view of Hooper.

Regarding claim 6, Saib discloses the method of claim 5, but fails to disclose the channel information window is provided by transmitting a bitmap for the channel information window from a server system.

In an analogous art, Hooper teaches creating a bitmap (col. 6, lines 43-49) for use in a user interface (col. 5, lines 49-59) at a server system (authoring

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station is part of the server system, col. 5, lines 1-10), which is transmitted to user terminals (col. 6, lines 15-24), making for a highly flexible user interface.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Saib to include transmitting a bitmap for a user interface from a server system, as taught by Hooper, for the benefit of a highly flexible user interface for a channel information window, where the graphical display options for creating the information window are virtually unlimited.

Regarding claim 7, Saib and Hooper disclose the method of claim 6, wherein changing the broadcast video display is accomplished by changing which video packet stream is being decoded and presented (Saib, col. 5, lines 35-45).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saib in view of Billock et al. (5,619,249) [Billock].

Regarding claim 8, Saib discloses the method of claim 5, wherein the navigating among channels occurs using a special button ('direction key', col. 5, lines 3-5) on a remote control (fig. 3, col. 4 line 57 – col. 5 line 9).

Saib fails to disclose looping through a series of channels.

In an analogous art, Billock teaches scrolling through a series of channels in a displayed program guide in an endless loop (col. 10, lines 36-45), enabling a

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user to quickly return to the beginning of a list of channels once reaching the end of the list.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Saib to include looping through a series of channels, as taught by Billock, for the benefit of enabling a user to quickly return to the beginning of a list of channels once reaching the end of the list, so as not to be forced to traverse the list in the opposite direction.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



CHRIS GRANT
PRIMARY EXAMINER